

68623/7236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Getsin, et al.
Appln. No.: 09/488,614
Filed: January 20, 2000
Title: SYSTEM, METHOD AND ARTICLE
OF MANUFACTURE FOR A
SCHEDULER COMPONENT IN A
MULTIMEDIA SYNCHRONIZATION
FRAMEWORK
Examiner: Ma, Johnny
Group Art Unit: 2614
Customer No.: 22242
Conf. No.: 4713

RECEIVED
CENTRAL FAX CENTER
APR 12 2005

**DECLARATION PURSUANT TO 37 C.F.R. 1.131 OF
EVGENY M. GETSIN AND TODD R. COLLART**

Hon. Commissioner for Patents

Washington, D.C. 20231

Sir:

We, Todd R. Collart and Evgeniy M. Getsin, declare as follows:

1. We, at the time of the invention, were employees of INTERACTUAL TECHNOLOGY, Inc., the current recorded Assignee of the subject matter of U.S. Patent Application No. 09/488,614.

2. We are the inventors of the invention as variously described and claimed in U.S. Patent Application No. 09/488,614.

Page 2 of 3
Application No. 09/488,614
37 C.F.R. 1.131 Declaration

BEST AVAILABLE COPY

3. We declare that the method covered by the pending claims of U.S. Patent Application No. 09/488,614, specifically independent claim 19, was manufactured and tested prior to June 15, 1999. We also declare that at least prior to June 15, 1999, we recognized the inventive aspects of the claimed method for providing a scheduler object and that the claimed method would work for its intended purpose.

4. We note that all dates present on the exhibits attached hereto have been blacked out as pursuant to MPEP 715.07(II); however, we declare that all blacked out dates are dates prior to June 15, 1999.

5. Attached as Exhibit A is a copy of an online article entitled "Editorial: Behind the Scenes of the RONIN Online Event" discussing an online event scheduled by MGM on a date prior to June 15, 1999. The article discusses this online event, where the director of the film "Ronin" will address a selection of questions previously submitted by owners of the "Ronin" DVD during a live session. Additionally, the director will provide his perspective on scenes from the film as users simultaneously experience these scenes from the "Ronin" DVD.

6. We declare that the online event discussed in Exhibit A did in fact occur on a date prior to June 15, 1999, and that the claimed method for providing a scheduler object was utilized at the online event.

7. Attached as Exhibit B is a copy of source code used during the Ronin online event referenced in Exhibit A. The source code shown in Exhibit B implements the claimed method for providing a scheduler object.

8. The claimed method utilized at the online event referenced in Exhibit A and implemented by the source code shown in Exhibit B is the same method that we have invented. Thus, prior to June 15, 1999, we fully appreciated the utility of the claimed method for providing a scheduler object and that it would work for its intended purpose.

Page 3 of 3
Application No. 09/488,614
37 C.F.R. 1.131 Declaration

9. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claim 19 in view of the event described above in Exhibit A and the source code shown in Exhibit B. Therefore, we declare that a method for providing a scheduler object meeting the elements of independent claim 19 in U.S. Patent Application No. 09/488,614 physically existed prior to June 15, 1999 and that this method for providing a scheduler object worked for its intended purpose and that the invention was appreciated prior to June 15, 1999.

10. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

Date Evgeniy M. Getsin

Date Todd R. Collart

Attachments: Exhibits A and B

68623dec.amb.131.doc